

smaller, Vermont-scale farms and large-scale agriculture. It would clarify that the normal application of fertilizer as described in the CERCLA statute includes the use of animal manure as fertilizer. I wrote to the EPA earlier this year asking them to take regulatory action for that purpose and they refused.

The proposal does not change the existing provision in CERCLA, which provides that Federal permitholders, when they are in compliance with their permit, are not subject to CERCLA litigation. Existing law ensures that larger animal feeding operations that will be required to hold Clean Water Act permits and are more likely to have significant waste streams should be protected from CERCLA litigation as long as they are in compliance with the terms of their permit. My legislation takes steps to provide similar assurances to smaller, Vermont-scale farms that are generally not required to hold Clean Water Act permits. It provides that an independent, third-party certification that a farm has applied fertilizer to land in a manner that is in compliance with its nutrient management plan would serve as evidence for an affirmative defense in the unlikely event that a CERCLA lawsuit would be filed against a small, Vermont-scale farm. I offer this extra assurance, even though there is no record of farms of this scale having been sued under CERCLA, and even though such a lawsuit is an unlikely event given the amount of material being handled at these small facilities and the structure of CERCLA, which is designed to address major waste streams. Federal Officials and Environmental advocates understand, I think, that resorting to a Superfund lawsuit to gain compliance from a small farm would be like using a sledge hammer to open a walnut.

Some have asked me: What does that actually get you? The independent third-party certification offered as evidence during the course of any civil or administrative proceeding would support the fact that the facility properly used or applied animal manure to land in compliance with its nutrient management plan. This presumption of fact could only be overcome by contradictory evidence. I believe that the establishment of this affirmative defense will protect Vermont small-scale farmers from CERCLA litigation.

Mr. President, I will not be here in the next Congress to help my colleagues find a way forward on this issue. I offer this idea as a starting point in the debate after much discussion with Vermonters, farmers, environmentalists, and legal and policy experts. We are all seeking the silver bullet that will help to maintain the American tradition of the small, family farm and allow us to make forward progress on the persistent problem of nonpoint source pollution. This idea is my vision of how we can overcome this latest hurdle in our efforts to effectively deal with nonpoint source pollu-

tion and hopefully bridge the gap between two of my passions—sustainable, Vermont-scale agriculture, and environmental progress.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### IRAN CONFERENCE RESOLUTION

● Mr. LAUTENBERG. Mr. President, next week the Iranian Government and its President, Mahmud Ahmadi-Nejad, will convene a 2-day conference in Tehran on the Holocaust.

The Iranians say their conference will bring together the vast array of "opinions" on the Holocaust. Allegedly more than 60 so-called scholars from 30 countries will participate.

I can only imagine the hatred that will be on display.

It is no secret that President Ahmadi-Nejad has a long history of distortion of the truth and hatred for the Jewish people. It is also shocking that he has called for the destruction of the sovereign, democratic State of Israel.

But what is so revolting is how casually he tries to alter history and the memory of those who perished at the hands of the Nazis.

To make matters worse, Iran is holding this conference on International Human Rights Day.

Last year at an Islamic conference in Saudi Arabia, the Iranian President told reporters that the Holocaust had been used as a tool of propaganda, stating that the scale of the Holocaust had been exaggerated. He also sent a 3,000-word letter to German Chancellor, Angela Merkel, outlining his arguments.

Now, the Iranians are trying to assure the world that this conference will be free of anti-Semitism and that it will explore views of "both sides." Both sides? It is clear that denial is one of the sides.

The Holocaust is an undeniable fact of history, and the upcoming conference will serve only to perpetuate intolerance. Eleven million people in total, including six million Jews, were viciously murdered in Nazi death camps. No one living in the rational world denies this fact.

The Iranian President has a clear track record of poisonous hatred. He has stated that "Israel must be wiped off the map." He also said "Anybody who recognizes Israel will burn in the fire of the Islamic nations' fury."

Mr. President, I am pleased that the Senate is poised to take up and adopt a resolution that I have drafted—along with Senators BIDEN and CLINTON—that condemns the Iranians and this sham conference. It is important that the Senate go on record condemning this hate and intolerance.●

#### HOLD ON THE NOMINATION OF LEON R. SEQUEIRA

Mr. SALAZAR. Mr. President, I rise to share my serious concern about the

implementation of the Energy Employees Occupational Illness Compensation Program Act, EEOICPA. Because of the gravity of my concerns, I have placed a hold on a nomination currently pending before this body—the nomination of Leon R. Sequeira to be Assistant Secretary for Policy at the Department of Labor.

I harbor no ill will toward Mr. Sequeira. But I am furious with the foot-dragging, the obstruction, and the neglect that have characterized the administration's approach toward American citizens who took real risks for our country during the cold war, who are suffering now, and who need and deserve help.

It is my understanding that Mr. Sequeira's role will be to advise the Department of Labor Secretary Elaine Chao on policy development and program implementation. It is my hope that I can work through my numerous concerns with the Department of Labor and the Department of Health and Human Services.

The EEOICPA Program is supposed to compensate the thousands of cold war veterans who worked for our country's nuclear weapons programs. Together, these Federal agencies are responsible for administering the EEOICPA Program. Both agencies also play significant roles in the special exposure cohort SEC petition process.

As Congressman JOHN HOSTETTLER pointed out earlier this week, the SEC petition process was designed to provide a mechanism for workers to be given relief from government that "frequently misled them about the hazards they were facing and failed to properly monitor their exposure." Among the workers who face just such a situation were the Americans who worked at Rocky Flats in my State of Colorado.

Many of these individuals, who knowingly risked their own safety to protect our democracy, have suffered from painful and debilitating diseases, including cancer, and many have died as a result of their brave service. Like Department of Labor Secretary Elaine Chao, I would hope that their Government could provide some measure of justice to these patriots. She has stated that, "My concern is that we take care of men and women who were harmed as a result of loyal service to their country. It is my hope that this program will repay them in some small way for all they've lost."

Unfortunately, this program is repaying them with bureaucratic delays and a deck stacked against them. I believe our Government is failing to fulfill the promise and intent of the EEOICPA Program.

In Colorado, many people who worked at Rocky Flats were exposed to beryllium, radiation, and other hazards that have led to cancer and death. They filed a special exposure cohort petition over 17 months ago to receive compensation. Their petition has been delayed and obstructed at various levels and by several agencies. We have

been waiting for the administration to take action to ensure that the composition of the Advisory Board on Radiation and Worker Health is adjusted so that it will more fairly examine workers' claims, but the administration has failed to act. Sadly, I fear that, to a great extent, these actions are the result of conscious decisions by certain agency officials.

Since the Department of Labor's mission is to foster and promote the welfare of American workers, I hoped to work with the Department to ensure that the quiet heroes of the Rocky Flats petition were compensated. However, I have struggled to find common ground, and for some of these workers, time is running out. Moreover, hearings held by the House Judiciary Committee have left me with serious questions regarding their efforts to undermine the Rocky Flats and other SEC petitions in the name of cost containment and other shameful actions.

I hope to discuss these questions with Mr. Sequeira and other administration officials and to get some firm commitments about cleaning up this process, moving forward fairly, and getting the Rocky Flats petition approved. Until then, I cannot in good faith allow this nomination to proceed.

#### INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2006

Mr. DORGAN, Mr. President, earlier today I spoke on the Senate floor about the need to pass the Indian Health Care Improvement Reauthorization bill. My colleagues, Senator McCAIN and Senator ENZI, have worked long and hard over the past several weeks to address the many objections that have been raised by the Department of Justice and the Department of Health and Human Services.

Those negotiations have brought clarity to the positions of the administration and have helped to define how legislation can best address the health crisis in Indian country. In an effort to memorialize those discussions, I am joining Senators McCAIN and ENZI in cosponsoring the Indian Health Care Improvement Act Amendments of 2006. The bill being introduced tonight reflects, to a significant extent, the bill that the Senate Committee on Indian Affairs approved in October 2005. It also reflects the many hours of negotiations and meetings with the administration, the Indian Affairs Committee, the Finance Committee, and the Health, Education, Labor and Pensions Committee. In spite of the dedication of all those involved, however, the bill reflects progress but not perfection.

I have talked to the tribal leaders who are advocates for Indian health care improvements about this bill. They, too, are pleased that we have made some progress. But they, too, feel there have been too many compromises and we must begin with a fresh view of how to improve the health care of American Indians and Alaska Natives.

When the 110th Congress convenes in January, I intend to work with Indian Country and my colleagues in the Senate and in the House to produce a bill that will put solutions for Indian people front and center. We have spent far too much time these past 8 years focusing on legalistic issues rather than on human needs. I thank Senator McCAIN and Senator ENZI for their leadership in bringing us to this important juncture and I look forward to working with them over the next 2 years to reauthorize the Indian Health Care Improvement Act.

#### INTERNAL REVENUE SERVICE PRIVATE DEBT COLLECTION PROGRAM

Mr. BAUCUS. The American Jobs Creation Act of 2004 authorized the IRS to hire private debt collection agencies to collect delinquent taxes. An IRS pilot program was initiated this year, and the IRS expects to expand the program in early 2007.

It is important that the program be administered by the IRS in a fair and responsible manner. Senator NELSON has proposed legislation, already unanimously passed by the Senate, which would ensure 10 percent of the employees assigned to the IRS contract by the private agencies are persons with disabilities. This will not affect the ability of the private contractors to collect delinquent taxes, but it will greatly affect the ability of persons with disabilities to find gainful employment that will promote their independence and well-being.

I commend Senator NELSON for his commitment to improve the quality of life for persons with disabilities. I pledge to work with both of my good friends, Senator NELSON and Senator GRASSLEY, in the next session of Congress to support his efforts.

Mr. NELSON of Nebraska. I thank my good friend, Senator BAUCUS.

As my colleague knows, this legislation passed the Senate unanimously in November 2005 but unfortunately failed to be included in a conference report. It will create meaningful employment for persons with disabilities and disabled veterans in the field of third-party debt collection.

Especially with the large numbers of returning disabled veterans, employment opportunities are urgently needed. Generally, the employment opportunities for persons with disabilities are not great—1 in 10 Americans has a disability and the rate of unemployment is 70 to 80 percent. These private debt collection jobs are essentially highly paid call center jobs with annual incomes averaging \$40,000 and often come with good health benefits and 401(k) plans.

This legislation is necessary since in letters and conversations with the Department of Treasury and Internal Revenue Service they have stated that under existing GSA rules, they cannot set a specific number of awards aside

for contractors employing significant numbers of persons with disabilities. My understanding is the GSA currently allows a preference for a business that is owned by a disabled veteran, but it does not also allow a preference for a business that employs several persons with disabilities. This is an oversight which needs to be corrected.

This legislation is supported by the Disabled American Veterans, the American Legion, the American Legion Auxiliary, the American Association of People With Disabilities, the Veterans of Foreign Wars, and the Paralyzed Veterans of America.

Mr. BAUCUS. I support Senator NELSON's efforts to create opportunities that will employ persons with disabilities and am hopeful that these efforts can be in place before the IRS issues the next Request for Quotes in March 2007. I look forward to working with my colleagues and with the relevant agencies on this important matter.

Mr. NELSON of Nebraska. I thank my colleague and good friend from Montana for his commitment to such an important effort.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 62, 63, 407, 670, 783, 900, 901, 904, 1000, 1001, 1002, 1003, 1004, 1005 through 1008, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, and all nominations on the Secretary's desk.

I further ask consent that the following committees be discharged from further consideration of listed nominations and the Senate proceed to their consideration en bloc:

Judiciary Committee, Rachel Paulose PN1905; Homeland Security and Governmental Affairs, Paul Schneider PN2127; Foreign Relations, Dianne Moss PN1846, foreign service promotion lists PN 2097, PN 2130, and PN 2085.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask continued unanimous consent for the Commerce Committee, Steven Chealander PN2062; Charles Dorkey III, PN2112; Rear Admiral Coogan PN 2086; Raymond Slagle PN 2093; NOAA promotion list, PN2094, Gregg Versaw, PN2131; Coast Guard promotion list 2154; Coast Guard officer list, PN2185; Agriculture Committee, Mark Keenum, PN2110 and PN 2109; Leland Strom, PN1864; the following nominations from the HELP Committee with PN numbers as designated: PN2126, PN2095, PN2096, PN2084, PN2165, PN2166, PN1762, PN1921, PN1732, PN2119, PN2120, PN2121, PN2122, PN2123, PN 2124,